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City and County of San Francisco

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CITY AND COUNTY OF SAN FRANCISCO,  
A California Municipal Corporation,

Plaintiff,

vs.

FACTORY MUTUAL INSURANCE  
COMPANY, a Rhode Island Corporation,  
BOMBARDIER TRANSPORTATION  
(HOLDINGS) USA, INC., a Delaware  
Corporation,

Defendants.

No. C 04-5307 PJH

**STIPULATION TO EXTEND DEADLINES  
FOR FILING OF SUMMARY JUDGMENT  
MOTION AND REQUEST FOR ORDER**

Plaintiff City and County of San Francisco and Defendant Factory Mutual Insurance

Company hereby stipulate as follows and request an Order as described below:

1. On September 8, 2005, at a Case Management Conference before the Honorable Phyllis

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Hamilton, this Court issued an Order scheduling the time for the parties to file cross motions for summary adjudication. The order required that the plaintiff and defendant each file their motions for summary adjudication on December 14, 2005. Oppositions are to be filed by January 11, 2006. Replies are to be filed by January 18, 2006, and hearing will be scheduled for February 8, 2006 at 9:00 a.m.

2. The parties have been diligently meeting in an effort to agree to stipulated facts that will enable the court to rule on the motions for summary adjudication. The parties are close to an agreement, but are still conducting factual investigations with regard to some of the facts.

3. In order to allow the parties adequate time to provide the court with the correct facts, the parties stipulate to the continuance of the deadlines for filing of motions for summary judgment by 44 days.

4. The parties propose the following briefing schedule. Motions for summary adjudication shall be filed on or before January 27, 2006. Oppositions shall be filed on or before February 17, 2006 replies filed on or before February 24, 2006 and hearing scheduled for March 17, 2006.

5. Kris A. Cox, counsel for Plaintiff, hereby attests that he has on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

**SO STIPULATED:**

Dated: December 1, 2005

WULFSBERG, REESE COLVIG & FIRSTMAN  
 PROFESSIONAL CORPORATION

By:

/S/

Kris A. Cox  
 Attorneys for Plaintiff, City  
 and County of San Francisco

Dated: December 1, 2005

CARLSON, CALLADINE &  
 PETERSON, LLP

By:

/S/

Joyce Wang  
 Attorney for Factory Mutual  
 Insurance

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4 It is hereby ordered by the Court that the deadlines for the Motions for Summary  
5 Adjudication to be filed by the parties as set in the Case Management Conference of September 8,  
6 2005 be extended by forty four (44) days so that motions shall be filed on or before January 27,  
7 2006. Oppositions shall be filed on or before February 17, 2006 replies filed on or before February  
8 24, 2006 and hearing scheduled for March 17, 2006.

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10 **IT IS SO ORDERED.**

11 Dated: December 5, 2005



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14 PHYLLIS J. HAMILTON

15 United States District Judge  
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